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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

**ADRIANNE SMITH**, as an individual and  
 on behalf of all others similarly situated,

*Plaintiff,*

vs.

**KRAFT FOODS GLOBAL, INC.**, a  
 Delaware corporation,

*Defendant.*

Civil Action No. **3:07-cv-02192-BEN-WMC**

Assigned to Hon. Roger T. Benitez

**DECLARATION OF HAROLD HEWELL  
 RE FILING OF OPPOSITION TO  
 DEFENDANT'S MOTION TO DISMISS  
 THE FIRST AMENDED COMPLAINT,  
 AND MEMORANDUM OF POINTS AND  
 AUTHORITIES IN SUPPORT OF  
 OPPOSITION**

Date: May 19, 2008

Time: 10:30 a.m.

Place: Courtroom 3

**CLASS ACTION**

***JURY TRIAL REQUESTED***

**DECLARATION OF HAROLD HEWELL RE FILING OF OPPOSITION TO DEFENDANT'S MOTION  
 TO DISMISS THE FIRST AMENDED COMPLAINT, AND MEMORANDUM IN SUPPORT**

No. 3:07-cv-02192-BEN-WMC

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1 I, Harold Hewell, hereby declare:

2 1. I am an attorney at law duly admitted to practice before this Court and all the courts of  
3 the State of California. I am one of the attorneys of record herein for Plaintiff in the above-  
4 entitled action. The matters stated below are true as to my own knowledge, except as to those  
5 matters stated as to information and belief, and as to those matters, I believe them to be true. If  
6 called upon, I could competently testify to the matters herein.

7 2. I respectfully request that the Court accept and use this corrected "Opposition to  
8 Defendant's Motion to Dismiss the First Amended Complaint, and Memorandum of Points and  
9 Authorities in Support of Opposition ("Opposition")" in lieu of the original Opposition, which  
10 was filed in a timely manner on May 5, 2008, but lacked a Table of Authorities.

11 3. As I was completing the original Opposition for filing, I encountered formatting  
12 problems and was unable to include the Table of Authorities in that Opposition.

13 4. I am submitting for filing the corrected Opposition, with all tables included,  
14 approximately two hours after the timely filing of the original Opposition, and respectfully  
15 request that my delay with the Table of Authorities not prejudice my client.

16 I declare under penalty of perjury under the laws of the state of California that the  
17 foregoing is true and correct. Executed Tuesday, May 06, 2008, at San Diego, California.

18  
19 /s/ Harold M. Hewell  
20 Harold M. Hewell  
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